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MIGUEL & BENJAMIN ORTEGA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MIGUEL ORTEGA, BENJAMIN
ORTEGA, A Minor, By And Through His
Guardian Ad Litem, ANA ROSA
ORTEGA,

Plaintiffs,

vs.

CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT, CHIEF WAYNE
TUCKER, In His Capacity As The Police
Chief Of The City Of Oakland, RAMON J.
ALCANTAR, Individually And In His
Capacity As A Police Officer For The City
Of Oakland, BERNARD ORTIZ,
Individually And In His Capacity As A
Police Officer For The City Of Oakland,
and Does 1 through 200,

Defendants.

Case No.:C-07-02659 JCS

**DECLARATION OF BRENDA D.
POSADA IN SUPPORT OF
PLAINTIFFS' REQUEST FOR
ADMINISTRATIVE RELIEF**

The Honorable Magistrate Judge
JOSEPH C. SPERO

Trial Date: December 1, 2008

I, BRENDA D. POSADA, being first duly sworn, do depose and say that:

1. I am an attorney duly admitted to practice before all the courts of California, and am an associate of the Law Offices of Steven R. Jacobsen, and attorney the for Plaintiffs. I submit this declaration on personal knowledge and in support of PLAINTIFFS' REQUEST FOR ADMINISTRATIVE RELIEF pursuant to Civil Local Rule 7-11.

2. Plaintiffs' firm consists of only two lawyers who prior to the filing of said motion had other

1 commitments within that time period.

2 3. Due to Stephen R. Jacobsen's other commitments, the opposition to this brief will be
3 prepared by Plaintiffs' counsel Brenda D. Posada. Ms. Posada is currently working on an appeal of a
4 state case and the opening brief is due September 9, 2008. Due to time constraints and the nature of
5 plaintiffs' counsel's small practice, Plaintiffs request that this court continue the hearing to October
6 17, 2008, providing plaintiffs additional time to competently respond to the voluminous motion
7 filed by each of the four Defendants. (Although their motion is combined, Plaintiffs will have to
8 oppose each argument separately as against each defendant)

9 4. In the interest of cooperation, and since plaintiffs had initially extended a similar to courtesy
10 to defendant's stipulating to extending their the motion hearing date, originally set for August 22,
11 2008 to September 19, 2008, plaintiffs asked Defendants' counsel Charles Vose to stipulate to an
12 extension of the hearing date to provide plaintiffs additional time to respond to their motion. (See
13 Document #53) Plaintiffs stipulated to continuing motion hearing date by one month as a courtesy
14 to defendants. Mr. Vose indicated that he would have to check with certain persons for an answer.
15 He didn't seem to thing "there would be a problem." However, at the filing of this request he
16 informed plaintiff's counsel that due to the upcoming pre-trial deadlines he felt that he would have
17 inadequate time to prepare those documents by the October 31, 2008. Without the extension
18 plaintiffs would have inadequate time to respond to the defendants' summary judgment motion.
19 Plaintiffs will be severely prejudiced and the outcome of the litigation definitely affected.

20 Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury of the laws of the United
21 States of America that the foregoing is true and correct.

22 Executed at Oakland, California, this August 21, 2008.

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25 _____\s_\n
26 Brenda D. Posada

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